

## **REMARKS**

Applicant respectfully requests reconsideration of this application in light of the amendments and remarks made herein. Applicant amended the title herein in response to the Examiner's request. Furthermore, Applicant will voluntarily submit minor amendments to the specification and figures in response to the Examiner's request to review the application for any errors and to address the Examiner's objections to the drawings in a SUPPLEMENTAL AMENDMENT shortly following this response. No new matter is added by virtue of any of these amendments. Applicant thanks Examiner for allowing submission of the SUPPLEMENTAL AMENDMENT within several days following this response.

Claim 1 is amended herein to include the limitations of claim 2. Claims 2 and 7 are canceled without prejudice. Applicant has made minor amendments herein to claims 3-6, 8-20 to voluntarily correct certain instances of antecedent basis errors and clarify the claimed invention. New claims 21 and 22 are presented for examination.

In brief, the present claimed invention is directed to a transport module detachable from inside a data cartridge library. The data cartridge library comprises a frame that defines an interior space. Disposed in the interior space are a data cartridge magazine capable of accommodating a plurality of data cartridges, a drive capable of reading and writing data to and from one of the data cartridges and a transport module comprising a transport structure that comprises at least a portion of an elevator and a picker adapted to grasp one of the data cartridges for insertion and retraction operations. The transport module is detachable from the frame.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-3 and 8-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,984,106 to Herger et al (hereinafter referred to as "Herger").

Herger is directed to a door assembly 26 that comprises a cartridge transport assembly 100 for use with a data cartridge library. A cabinet 24, which the Examiner analogizes to Applicant's frame, has an interior with drives 56A-56E disposed in two columns of cartridge racks 72A-72F and 74A-74F supported by six slanted shelves 52A-

52F. The door assembly 26 is attached to the cabinet 24 by a pair of hinges 28. The door assembly 26 notably resides exterior to the interior space defined by the cabinet 24. The door assembly 26 purports to facilitate repairs of a cartridge transport assembly 100 in the door; hence the library can only function with the door assembly 26. The cartridge transport assembly 100 is adapted to move data cartridges from the cartridge racks 72A-72F and 74A-74F to the drives 56A-56E.

In contrast, as recited in amended independent claim 1, Applicant's magazine-based data cartridge library comprises "a frame that defines an interior space and comprises an exterior surface... a transport support structure; wherein said elevator is operatively connected to said transport support structure; wherein said picker is operatively connected to said elevator; a user-actuatable connector that allows a user: (a) to attach a transport module comprising said transport support structure, at least a portion of said elevator, and said picker to said frame in said interior space; and (b) to detach said transport module from said frame; a portion of said exterior surface capable of being displaced by a user so as create an opening with sufficient dimensions to allow said transport module to be inserted into and removed from said interior space."

Nowhere does Herger disclose, for example, a transport module attachable in the interior space of the library as defined by a frame wherein the transport module is accessible through an opening in the exterior surface of the frame. In fact, Herger discloses a transport assembly 100 that is assembled in a door 26. Furthermore, Herger does not disclose a user-actuatable connector that allows a user to attach a transport module inside the frame. Additionally, nowhere does Herger disclose a portion of the exterior surface capable of being displaced by a user to create an opening with sufficient dimensions to allow a transport module to be inserted into and removed from the interior space so that the transport module can be attached therein. Herger requires the door assembly 26 to be fully engaged with the cabinet 24 for the cartridge transport frame 400 to coexist with the interior space of the cabinet 24, unlike Applicant's claimed invention wherein Applicant's door 176 is "capable of being displaced" with the transport module remaining inside the interior space. Because Herger fails to disclose all of the features of claim 1, it is clear that Herger does not anticipate claim 1, and Applicant respectfully

submits that claim 1 is allowable.

Dependent claim 2 is canceled herein without prejudice, obviating the rejection of this claim.

Dependent claim 3 depends directly from independent claim 1 and is distinguishable over Herger at least for the same reasons as set forth above. Furthermore, Applicant's claim 3 recites, "said user-actuatable connector comprises: a first connector portion that is operatively associated with said frame; and a second connector portion that is operatively associated with said transport support structure." The Examiner asserts that Herger's hinge 28 can be considered the first connector; however, FIG. 1 clearly shows the hinge 28 on the exterior of the cabinet 24. Nowhere does Herger disclose a user-actuatable connector that is inside of the frame as recited in Applicant's claimed invention. Because Herger fails to disclose at least the discussed features of claim 3, it is clear that Herger does not anticipate claim 3, and Applicant respectfully submits that claim 3 is allowable.

Dependent claims 8-15 each depend directly or indirectly from independent claim 1 and are distinguishable over Herger at least for the same reasons as set forth above. Therefore Applicant respectfully submits that claims 8-15 are also allowable.

### **Rejections Under 35 U.S.C. § 103**

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Herger in view of features purportedly well known for use in the art.

The Examiner admits that Herger does not appear to expressly disclose his second portion, the bracket 144, as including a screw or a captured screw, and conjectures that screws "were notoriously old and well known for use in mounting brackets to a structure such as a frame." Even assuming, *arguendo*, that the Examiner's combination of Herger and screws is proper, and assuming that the Examiner's contention regarding the combined disclosure of Herger is accurate, the proffered combination still fails to teach or suggest each element of independent claim 1, such as a transport module attachable in the interior space of the library as defined by a frame wherein the transport module is accessible through an opening in the exterior surface of the frame or a user-actuatable

connector that allows a user to attach a transport module inside the frame, for example, and thus cannot render dependent claim 6 obvious. Applicant thus respectfully submits that claim 6 is allowable.

Claim 7 is canceled herein without prejudice, obviating the rejection of this claim.

### **Claim Objections**

According to the Office Action, claims 4, 5 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claims 4, 5 and 16-20 depend directly or indirectly from independent claim 1 which, as discussed above, is distinguishable over Herger and therefore applicant submits claims 4, 5 and 16-20 are allowable as dependent from claim 1.

### **New Claims Presented Herein**

New claim 21 features a data cartridge library with “a frame comprising an exterior surface that defines an interior space... a transport module comprising the transport structure, at least a portion of the elevator, and the picker; an opening in the exterior surface adapted to receive the transport module; and a user-actuatable connector adapted to detachably connect the transport module to the frame within the interior space.” These features are recited in original claims 1 and 2, and therefore no new matter is presented by new claim 21. None of the prior art of record, including Herger, appears to describe, teach, or suggest the invention of new claim 21, and thus this claim is allowable.

New claim 22 depends from claim 21 and features a door to cover the opening of claim 21. None of the prior art of record, including Herger, appears to describe, teach, or suggest the invention of claim 22, and thus Applicant submits that claim 22 is allowable.

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Authorization To Charge Necessary Fees

While no fee is believed due with this submission, the Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

Dated: 1/27/06

  
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